

**SUPREME COURT MINUTES
THURSDAY, SEPTEMBER 19, 2013
SAN FRANCISCO, CALIFORNIA**

S212933**KINNAMON (TODD) v. S.C.
(PEOPLE)**

Transferred to Court of Appeal, Second Appellate District

The above-entitled matter is transferred to the Court of Appeal, Second Appellate District, Division Six, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

S212983**LeMASTER (MARTY L.) v.
DEPARTMENT OF
CORRECTIONS &
REHABILITATION (BITER)**

Transferred to Court of Appeal, Third Appellate District

The above-entitled matter is transferred to the Court of Appeal, Third Appellate District.

S211906**ALO ON DISCIPLINE**

Recommended discipline imposed

The court orders that MARLON MAGDADARO ALO, State Bar Number 143338, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. MARLON MAGDADARO ALO is suspended from the practice of law for the first six months of probation;
2. MARLON MAGDADARO ALO must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 20, 2013; and
3. At the expiration of the period of probation, if MARLON MAGDADARO ALO has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied and that suspension will be terminated.

MARLON MAGDADARO ALO must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) MARLON MAGDADARO ALO must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days,

respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211908**CAREY ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DIANE BERNADETTE CAREY, State Bar Number 171543, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys. DIANE BERNADETTE CAREY must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211913**COOK, JR., ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that ULYSSES LAFOY COOK, JR., State Bar Number 68779, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

ULYSSES LAFOY COOK, JR., must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211914**GUINER ON DISCIPLINE**

Recommended discipline imposed

The court orders that STEPHEN FRANCIS GUINER, State Bar Number 44495, is suspended from the practice of law in California for two years, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. STEPHEN FRANCIS GUINER is suspended from the practice of law for the first year of probation;
2. STEPHEN FRANCIS GUINER must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 14, 2013; and
3. At the expiration of the period of probation, if STEPHEN FRANCIS GUINER has complied with all conditions of probation, the two-year period of stayed suspension will be satisfied

and that suspension will be terminated.

STEPHEN FRANCIS GUINER must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

STEPHEN FRANCIS GUINER must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each of the years 2015, 2016, and 2017. If STEPHEN FRANCIS GUINER fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S211916

HIGHNOTE ON DISCIPLINE

Recommended discipline imposed

The court orders that GREGORY TAYLOR HIGHNOTE, State Bar Number 144627, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. GREGORY TAYLOR HIGHNOTE is suspended from the practice of law for the first 90 days of probation;
2. GREGORY TAYLOR HIGHNOTE must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2013; and
3. At the expiration of the period of probation, if GREGORY TAYLOR HIGHNOTE has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

GREGORY TAYLOR HIGHNOTE must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

GREGORY TAYLOR HIGHNOTE must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each

of the years 2014, 2015, and 2016. If GREGORY TAYLOR HIGHNOTE fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S211920**LINNEKENS ON DISCIPLINE**

Recommended discipline imposed

The court orders that BRIAN RENE LINNEKENS, State Bar Number 206144, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. BRIAN RENE LINNEKENS is suspended from the practice of law for a minimum of the first two years of probation, and he will remain suspended until the following requirements are satisfied:
 - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
 - ii. He makes restitution to the following payees (or reimburses the Client Security Fund, to the extent of any payment from the fund to the payees, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles:
 - (1) Mary Rodriguez in the amount of \$2,995 plus 10 percent interest per year from January 28, 2011; and
 - (2) Karen Webb in the amount of \$3,000 plus 10 percent interest per year from January 25, 2011.
2. BRIAN RENE LINNEKENS must also comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2013.
3. At the expiration of the period of probation, if BRIAN RENE LINNEKENS has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

BRIAN RENE LINNEKENS must also take and pass the Multistate Professional Responsibility Examination during the period of his suspension and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

BRIAN RENE LINNEKENS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-third of the costs must be paid with his membership fees for each

of the years 2014, 2015, and 2016. If BRIAN RENE LINNEKENS fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S211921**McALPIN ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that KIMBERLY L. McALPIN, State Bar Number 124814, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

KIMBERLY L. McALPIN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211923**MARMOL ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that NANCY BEHR MARMOL, State Bar Number 87790, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

NANCY BEHR MARMOL must make restitution to the following payees:

- (1) Patricia Young in the amount of \$5,350 plus 10 percent interest per year from March 4, 2009;
- (2) Vincent Powell in the amount of \$2,000 plus 10 percent interest per year from February 20, 2010;
- (3) Salvador Escamilla in the amount of \$10,720 plus 10 percent interest per year from January 1, 2011; and
- (4) Edna Guzman in the amount of \$2,100 plus 10 percent interest per year from March 23, 2010.

NANCY BEHR MARMOL must pay the above-described restitution and furnish satisfactory proof of payment to the State Bar's Office of Probation in Los Angeles no later than 365 days from the effective date of this order. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

NANCY BEHR MARMOL must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211924**MATEOS ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that DIONNE MATEOS, State Bar Number 205959, is disbarred from the practice of law in California and that her name is stricken from the roll of attorneys.

DIONNE MATEOS must make restitution to the following payees:

- (1) Antonio Soria in the amount of \$2,000 plus 10 percent interest per year from June 14, 2012;
- (2) Jaime Rodriguez in the amount of \$4,100 plus 10 percent interest per year from March 13, 2012;
- (3) Jaime Rodriguez in the amount of \$4,000 plus 10 percent interest per year from June 30, 2012;
- (4) Eliseo Garcia in the amount of \$3,550 plus 10 percent interest per year from February 18, 2012;
- (5) Luis Mura and Griselda Diaz in the amount of \$2,050 plus 10 percent interest per year from November 10, 2011;
- (6) Filemon Recendez in the amount of \$3,000 plus 10 percent interest per year from July 31, 2012;
- (7) Ezequiel Gomez in the amount of \$1,100 plus 10 percent interest per year from November 6, 2011;
- (8) Maria Quintanilla in the amount of \$2,050 plus 10 percent interest per year from May 1, 2012;
- (9) Alejandro Sanchez in the amount of \$2,050 plus 10 percent interest per year from June 29, 2012; and
- (10) Jose Carapia in the amount of \$1,300 plus 10 percent interest per year from December 15, 2012.

Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d).

DIONNE MATEOS must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211925**RADLINSKI ON DISCIPLINE**

Recommended discipline imposed

The court orders that CHRISTOPHER A. RADLINSKI, State Bar Number 82563, is suspended from the practice of law in California for one year, execution of that period of suspension is stayed, and he is placed on probation for two years subject to the following conditions:

1. CHRISTOPHER A. RADLINSKI is suspended from the practice of law for the first 60 days of probation;
2. CHRISTOPHER A. RADLINSKI must comply with the other conditions of probation

recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on May 15, 2013; and

3. At the expiration of the period of probation, if CHRISTOPHER A. RADLINSKI has complied with all conditions of probation, the one-year period of stayed suspension will be satisfied and that suspension will be terminated.

CHRISTOPHER A. RADLINSKI must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. One-half of the costs must be paid with his membership fees for each of the years 2014 and 2015. If CHRISTOPHER A. RADLINSKI fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.

S211926**TORAN ON DISCIPLINE**

Recommended discipline imposed

The court orders that ZACHARY ALEXANDER TORAN, State Bar Number 267822, is suspended from the practice of law in California for three years, execution of that period of suspension is stayed, and he is placed on probation for three years subject to the following conditions:

1. ZACHARY ALEXANDER TORAN is suspended from the practice of law for the first six months of probation;
2. ZACHARY ALEXANDER TORAN must comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on May 2, 2013; and
3. At the expiration of the period of probation, if ZACHARY ALEXANDER TORAN has complied with all conditions of probation, the three-year period of stayed suspension will be satisfied and that suspension will be terminated.

ZACHARY ALEXANDER TORAN must also take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order and provide satisfactory proof of such passage to the State Bar's Office of Probation in Los Angeles within the same period. Failure to do so may result in suspension. (Cal. Rules of Court, rule 9.10(b).)

ZACHARY ALEXANDER TORAN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

S211928**WALSH ON DISCIPLINE**

Recommended discipline imposed: disbarred

The court orders that JASON ROBERT WALSH, State Bar Number 158471, is disbarred from the practice of law in California and that his name is stricken from the roll of attorneys.

JASON ROBERT WALSH must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.